

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00242

MICHAEL LYNN SHAVER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On April 3, 2014, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Michael Lynn Shaver, appeared in person and by his counsel, David O. Schles, for a hearing on the petition on supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a 31-month term of supervised release in this action on June 20, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on March 21, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the state and local offenses of driving a vehicle with no proof of insurance, false inspection sticker and registration card, while engaging in second offense driving under the influence and second offense driving on a suspended or revoked license for driving under the influence, as evidenced by his admission on the record of the hearing that the government possesses sufficient evidence to prove the offenses by a preponderance of the evidence; and (2) the defendant violated the special condition that he abstain from the use of alcohol as evidenced by that set forth above and the defendant's admission to the probation officer on or about January 14, 2014, that he had consumed alcohol; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not

revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

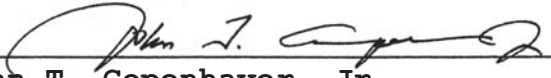
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of twenty-five (25) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he participate in the 9 to 12 month Peer Driven Social Model recovery program at The Healing Place in Huntington, West Virginia, and follow the rules and regulations of the facility and the instructions of the probation officer. If feasible, the

defendant shall be transported directly from his place of incarceration to The Healing Place.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 30, 2014

  
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John T. Copenhaver, Jr.  
United States District Judge